

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CIVIL ACTION NO. 3:11-cv-366

NASER HASAN MOHAMMAD SALMAN,)	
)	
Plaintiff,)	
)	
v.)	<u>STIPULATION TO REMAND TO</u>
)	<u>UNITED STATES CITIZENSHIP AND</u>
UNITED STATES DEPARTMENT OF)	<u>IMMIGRATION SERVICES</u>
HOMELAND SECURITY,)	
)	
Defendant.)	
_____)	

The parties, through their undersigned counsel, hereby stipulate and jointly move the Court for an order remanding this matter to United States Citizenship and Immigration Services (“USCIS”) and dismissing this action, without prejudice.

This is an action for a judicial hearing on Plaintiff’s application for naturalization (Form N-400). Plaintiff alleges a delay by USCIS in adjudicating his application. The parties have been advised that USCIS is ready to re-interview the Plaintiff and will soon be ready to adjudicate the matter and to issue a decision on Plaintiff’s application.

The Court, having reviewed the pleadings and materials in this case, hereby **ORDERS** that:

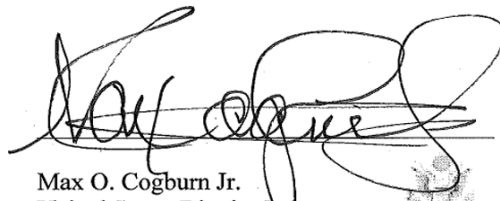
1. Plaintiff’s naturalization application is REMANDED to USCIS for adjudication of, and issuance of a decision on, said application within 60 days after entry of this Order. For purposes of this Order, “adjudication of, and issuance of a decision on” is limited to

the decision by USCIS on Plaintiff's naturalization application (N-400) and does not include any decision by USCIS regarding any subsequent administrative appeal by Plaintiff, pursuant to 8 C.F.R. § 336.2, in the event the application is adjudicated negatively.

2. This action is DISMISSED without prejudice and without costs or attorney fees, including those under the Equal Access to Justice Act or any other provision of law.

IT IS ORDERED.

Signed: December 21, 2011



Max O. Cogburn Jr.
United States District Judge

Dated: December 14, 2011

TONY WEST
Assistant Attorney General

JEFFREY S. ROBINS
Assistant Director

/s/ Timothy M. Belsan
TIMOTHY M. BELSAN
Trial Attorney
United States Department of Justice
Office of Immigration Litigation
District Court Section
Ben Franklin Station, P.O. Box 868
Washington, DC 20044
Telephone: (202) 532-4596
Facsimile: (202) 305-7000
E-mail: Timothy.M.Belsan@usdoj.gov

Attorneys for Defendants

/s/ Alan S. Gordon
Alan S. Gordon, Esq.
N.C. Bar No.: 7754
Alan Gordon Immigration &
Naturalization Law
1018 East Blvd., Suite 7
Charlotte, NC 28203
Telephone: 704-332-2555
Fax: 704-377-1172
E-mail: agordon@greencards.com

Attorney for Plaintiff

CERTIFICATE OF SERVICE

11-cv-366

I hereby certify that on this 14th day of December 2011, a true and correct copy of the **STIPULATION TO REMAND TO UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES** was served pursuant to the district court's ECF system to the following ECF filer:

Alan S. Gordon, Esq.
N.C. Bar No.: 7754
Alan Gordon Immigration &
Naturalization Law
1018 East Blvd., Suite 7
Charlotte, NC 28203
Telephone: 704-332-2555
Fax: 704-377-1172
E-mail: agordon@greencards.com

/s/ Timothy M. Belsan
TIMOTHY M. BELSAN
Trial Attorney
United States Department of Justice
Office of Immigration Litigation
District Court Section
Ben Franklin Station, P.O. Box 868
Washington, DC 20044
Telephone: (202) 532-4596
Facsimile: (202) 305-7000
E-mail: Timothy.M.Belsan@usdoj.gov